

HIGH COURT OF UTTARANCHAL AT NAINITAL
Criminal Misc. Application No. 526 of 2001
(Old No. 1446 of 1997)

Surat Singh & 26 others
All R/o Village Gawali Patti
Nail Chami District Tehri Garhwal Applicants

Versus

1. State of Uttaranchal
2. Shri Sripati Tehri Garhwal Respondents

Dated: 29th July, 2005

Hon'ble J.C.S. Rawat, J.

Heard Sri Lokendra Dobhal learned counsel for the applicant and learned A.G.A.

The petition under section 482 Cr. P.C. was filed for quashing the notice dated 12.12.1996 under section 111 Cr. P.C. and further proceedings of criminal case No. 126/1996 under Section 107/116 Cr P.C. pending before, the court of Pragana Magistrate, Kriti Nagar, District Tehri Garhwal.

Perusal of the record reveals that the learned Executive Magistrate took cognizance on 12.12.1996 and issued notice under section 111 Cr.P.C. against the applicants to keep peace for a period of one year. The present case was filed in the year 1997 and thereafter there is no iota of evidence that there exists an apprehension of breach of peace. Considering this, the notice dated 12.12.1996 under section 111 Cr. P.C. has becomes infructuous. If there is an apprehension of breach of peace still exist the parties may take the fresh recourse and they are at liberty to initiate the fresh proceedings.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 29.7.2005
LSR